

United States Courts  
Southern District of Texas  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

JUN 07 2021

Nathan Ochser, Clerk of Court

FRED HOFFMAN, III,  
Plaintiff,

v.

JEFFERY RICHARDSON, et al.,  
Defendants.

§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 2:18-CV-333

PLAINTIFF'S THIRD NOTICE TO THE COURT & DEFENDANT OF HIS DUE DILIGENCE IN DEALING WITH ALL THE MAIL IRREGULARITIES SO FAR & MOTION FOR THE COURT CLERK TO PRODUCE A OFFICIAL COPY OF THE DOCKET SO THE PLAINTIFF CAN VERIFY ALL FILINGS ARE IN THE RECORD

TO THE UNITED STATES JUDGES OF SAID COURT:

Comes now, FRED HOFFMAN, III, TDCJ# 1662898, the Plaintiff, and is now filign NOTICE that he is having to mail EXHIBITS GG-YY for the third time now, that the BC mailroom lost the second set, that the Plaintiff was unable to provide EXHIBITS HH, II, JJ, KK, & LL to the Court or Defendant yet, due to no fault of his own, that he provided all the coversheets as originally used, that these be considered in regards to the pending motions; and a MOTION for an official copy of the docket to be mailed to him, so he can verify it for the version off of [www.pacermonitor.com](http://www.pacermonitor.com), for accountability of all filings. The Plaintiff will now provide the following in support:

I. LIBERAL CONSTRUCTION RULE

01. Pro Se litigant pleadings are to be construed liberally and held to less stringent standards, opposed to formal pleadings filed by attorneys, this Court should liberally construe pleadings by PRO SE litigants despite the failure to cite proper legal authority, confusion of legal theories, poor syntax and also sentence construction, or litigants unfamiliarity with pleading requirements. SEE: HAINES v. KERNER, 404 U.S. 599, 30 L.Ed.2d 652, 92 S. Ct. 594 (1972).

II. PLAINTIFF'S NOTICE TO THE COURT & THE DEFENDANT

02. The Plaintiff since his arrival on the Bill Clements Unit has been trying his best to keep the Court & the Defendant updated on all the serious issues he is having with the mailroom itself, mail delays, running out of postage stamps, getting copies made, having to mail exhibits repeatedly, and much more.

03. As previously outlined the Plaintiff mailed complete copies of EXHIBITS GG-ZZ, to both this Court and the Defendant on April 11, 2021, which were stolen by an inmate from the top of the mailbox, after peeling off all the stamps from the envelopes. The empty envelope was later found in the trash days later.

04. So next the Plaintiff was forced to mail the final copies of all of the EXHIBITS, as there was no time to mail them out for making copies, and the Plaintiff was rushed trying to make the court's deadlines. This was done on April 30, 2021, with a NOTICE mailed with it.

05. Per the copy of the docket that Plaintiff's Power of Attorney bought for ten dollars off of [www.pacermonitor.com](http://www.pacermonitor.com) that second set is still not in the docket. However, the Plaintiff did see that DE No. 120 took over 46 days to be filed into the record, so he waited praying the others would show up.

06. The Plaintiff has mailed multiple filings twice already, due to the fact that his filings are not arriving to the Court, and he has no idea what the Defendant's counsel is receiving.

07. So what now follows is a mailing of a copy of the previous NOTICE, and the last of the EXHIBITS that the Plaintiff has in his possession. Also the Plaintiff has had CERTIFIED USPS mail to Attorney Robert Virden go missing as well, according to the USPS at the fault of the BC mailroom, so mailing for copying is again a risk, plus Plaintiff does not have enough stamps for certified mail.

08 . The Plaintiff will now provide a complete breakdown on the mailing of the EXHIBITS GG-ZZ, which with this latest mailing have been put in the mail three times by the Plaintiff to this Honorable Court & the Defendant, using every copy that was available to him, while pursuing his due diligence in this.

EXHIBIT	COURT'S COPIES OF THEM			DEFENDANT'S COPIES OF THEM			PLAINTIFF
DATES	4/11/21	4/30/21	5/28/21	4/11/21	4/30/21	5/28/21	5/28/21
EX. GG	YES	YES	YES	YES	YES	YES	NONE
EX. HH	YES	YES	NO	YES	NO	NO	NONE
EX. II	YES	YES	NO	YES	NO	NO	NONE
EX. JJ	YES	YES	NO	YES	NO	NO	NONE
EX. KK	YES	YES	NO	YES	NO	NO	NONE
EX. LL	YES	YES	NO	YES	NO	NO	NONE
EX. MM	YES	YES	YES	YES	YES	YES	NONE
EX. NN	YES	YES	YES	YES	YES	YES	NONE
EX. OO	YES	YES	YES	YES	YES	YES	NONE
EX. PP	YES	YES	YES	YES	YES	YES	NONE
EX. QQ	YES	YES	YES	YES	YES	NO	NONE
EX. RR	YES	YES	YES	YES	YES	NO	NONE
EX. SS	YES	YES	YES	YES	YES	YES	NONE
EX. TT	YES	YES	YES	YES	YES	YES	NONE
EX. UU	YES	YES	YES	YES	YES	YES	NONE
EX. VV	YES	YES	YES	YES	YES	YES	YES
EX. WW	YES	YES	YES	YES	YES	YES	NONE
EX. XX	YES	YES	YES	YES	YES	YES	YES
EX. YY	YES	YES	YES	YES	YES	NO	NONE
EX. ZZ	YES	DE 121	DE 121	YES	DE 121	DE 121	NONE
			PAGE 3				

09. The Plaintiff is worried to death on not having a complete record for the purposes of Summary Judgment, and the preservation of record on appeal. He has done everything he can to document these issues, at the waste of resources and stamps at every turn.

10. The truth of the matter is this, this unit (BC) does NOT tolerate Jail-House lawyers, allows full blown retaliation (encouraged by rank) without any recourse, and has done nothing but try to impede the Plaintiff in his pursuing of his redressing his grievances so far.

11. The Plaintiff is locked away on a building segregated from General Population, locked in a cell 22 hours a day, due to all the deprivations from the fact he is stuck in a cell with air conditioning on a HIGH SECURITY building, when he should have access to far more. He is denied access to the Law Library, denied research materials, had over 45,000 pages of legal materials taken from him, had 18 legal books confiscated from him, and was missing an entire bag of legal materials as well.

12. Attorney Robert Virden has been making copies of all the EXHIBITS, some were also copied by the Power of Attorney Rosanna Hightower, to ensure all of them are entered into the record, and still mail has been disappearing. Also the mail is having serious delays in delivery both to and from the Plaintiff.

13. Another issue that the Plaintiff is worried to death about is if his EXHIBITS 01-14 have been filed into the record, as they were in the same envelope as DE No. 115, yet do not appear in the record, according to pacermonitor's website version of the docket.

14. The Court is in receipt of them, since they were in the same envelope, but they do not appear to be in record for the purposes of Summary Judgment, so the motion on the next page now follows.

III. MOTION FOR PRODUCTION OF THE COURT'S DOCKET AND VERIFICATION OF  
EXHIBITS 01-14 ACTUALLY ARE IN THE RECORD FOR THE CASE

15. The Plaintiff now moves this Honorable Court for the production of the official copy of the docket in this case, so verification can be made on what is still missing, or what is actually in the record.

16. The Plaintiff has the version of the docket from www.pacermonitor.com that was bought for him, but that has had issues in the past with not matching the court's version, so the Plaintiff needs to see what the official one has.

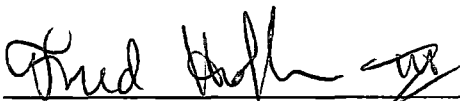
17. Also the Plaintiff is asking for verification that EXHIBITS 01-14 are in the actual record for the purposes of Summary Judgment, that were in the same envelope as DE No. 115.

18. Next, the Plaintiff has never received a ruling on De No. 115, so he does not know if those EXHIBITS are to be sealed, if he is required to breach the attorney-client confidentiality of the EXHIBITS and mail them to the Defendant, or what should be done in regards to De No. 115.

19. The Plaintiff requests to be apprised of the above issues, and to be given a copy of the current docket for this case.

Respectfully Submitted;

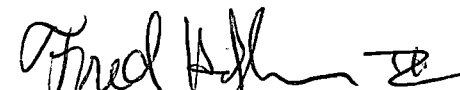
DATE: 05/28/21

  
FRED HOFFMAN, III, PRO SE  
TDCJ# 1662898

INMATE DECLARATION

I, FRED HOFFMAN, III, TDCJ# 1662898, being presently incarcerated at the Bill Clements Unit, in Potter County, Texas, declare under penalty of perjury that the foregoing NOTICE & MOTION is true and correct.

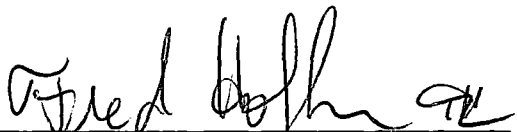
EXECUTED on this the 28<sup>th</sup> day of MAY, 2021.

  
FRED HOFFMAN, III, PRO SE  
TDCJ# 1662898

CERTIFICATE OF SERVICE

I, FRED HOFFMAN, III, TDCJ# 1662898, do hereby certify that a true and a correct carbon copy of the foregoing NOTICE & MOTION, has been served by the placing of same in the USPS mail, postage prepaid, first class, on this the 28<sup>th</sup> day of MAY, 2021; and also that it was addressed to:

Attorney General of Texas  
Law Enforcement Defense Division  
ATTN: MR. JONATHAN PENA  
P.O. Box 12548  
Austin, Texas 78711-2548

  
FRED HOFFMAN, III, PRO SE  
TDCJ# 1662898  
Bill Clements Unit  
9601 Spur 591  
Amarillo, Texas 79107

28 May, 2021

United States Courts  
Southern District of Texas  
FILED

JUN 07 2021

Nathan Ochsner, Clerk of Court

Mr. Nathan Oschner, Clerk  
United States District Clerk  
Southern District of Texas  
1133 N. Shoreline, RM. 208  
Corpus Christi, Texas 78401

RE: In the Matter of FRED HOFFMAN v. JEFFERY RICHARDSON, et al.  
Cause No. 2:18-CV-333

Dear Clerk,

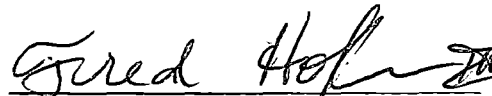
Please find enclosed Plaintiff's THIRD NOTICE TO THE COURT & DEFENDANT OF HIS DUE DILIGENCE IN DEALING WITH ALL THE MAIL IRREGULARITIES SO FAR & MOTION FOR THE COURT CLERK TO PRODUCE AN OFFICIAL COPY OF THE DOCKET SO THE PLAINTIFF CAN VERIFY ALL FILINGS ARE IN THE RECORD, and all papers in support of this.

Please file all pages into the record in the above case, and please take NOTICE there are two separate filings in this envelope, and it is followed by Plaintiff's third time of mailing EXHIBITS GG-YY to this Court.

Also I need an immediate quote please for 2 copies of EXHIBITS GG-YY, one to be mailed to me here, and the other to be mailed to Mr. Jonathan Pena, at his address of record. If that cannot be done, then mail both copies to me, please. Thank you.

I want to thank you for your time and attention to this time sensitive matter, and if you have any questions please let me know using my new address. Have a blessed day.

Respectfully Submitted,



FRED HOFFMAN, III, PRO SE  
TDCJ# 1662898  
Bill Clements Unit  
9601 Spur 591  
Amarillo, Texas 79107

CC: FILE

and

Mr. Jonathan Pena

ENCLOSURES